



IOWA

Department of Education

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Department of Education Background Statement for the Omnibus Technical Code Corrections/Clarifications

Child Development Assistance 256A

256A.2.1a

Background: In 1988, the Iowa Legislature established IAC 256A creating the Child Development Coordinating Council (CDCC) and identifying members to serve on the CDCC. The duties of the CDCC are outlined in 256A.3 which includes the development of criteria for awarding grants under section 279.51, subsection 2 as well as the authority to award grants for programs providing child development services to children meeting identified risk factors (known as Shared Visions Programs). Since its inception, the field of early childhood has evolved in Iowa; suggestions represent the current context and terminology.

The Department proposes to replace “The administrator of the division of child and family services of the department of human services...” with “The administrator of the division of adult, children and family services of the department of human services...”

256A.2.1f

Same as above. Iowa Code section includes outdated language. The Department proposes to replace “The dean of the college of family and consumer sciences...” with “The dean of the college of human sciences...”

256A.3.4

When Chapter 256A was written, it was prior to some of the current laws and many of the current practices and supports that are in place today. Due to current laws and practices, some duties of the Council are duplicative or redundant. It is the view of the Council that further recommendations are unnecessary given the identified responsibilities are addressed as described below. Therefore, the Department proposes to repeal and reserve.

Some examples of redundancy to 256A.3(4) are listed below.

256A.3 Duties of council. The child development coordinating council shall:

4. Make recommendations to the department of education and the general assembly regarding appropriate curricula and staff qualifications and training for early elementary education, coordination of the curricula with child development programs, and the development of an at-risk children definition for use in school-district-sponsored early elementary and before and after school child care programs.

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256A.3(4) requires the Council to make recommendations for early elementary related to appropriate curricula, staff qualifications, and training.

- Staff qualifications are outlined in Chapter 12 and monitored by the Department of Education and the Board of Educational Examiners.
- Chapter 12 requires specific curricular areas to be taught in early elementary and the Iowa Core outlines what needs to be covered in each of the content areas.
- Districts must align professional development and staff training to the Iowa Professional Development Model.

256A.3(4) requires the CDCC to make recommendations for early elementary related to coordination of the curricula with child development programs.

- An alignment document now exists to make the connection between curricula for early childhood/child development programs and early elementary. This document aligns the Iowa Early Learning Standards with the Iowa Core.

256A.3(4) requires the CDCC to make recommendations related to the development of an at-risk children definition for use early elementary and before and after school child care programs.

- There is a definition of at-risk for use in early elementary in Chapter 65 which provides grants to serve at-risk early elementary students (279.51 – Program for At-Risk Children).

256A.3.7

Background: When Chapter 256A was written, it was prior to some of the current laws and many of the current practices and supports that are in place today. Due to current laws and practices, some duties of the Council are duplicative or redundant. It is the view of the Council that further recommendations are unnecessary given the identified responsibilities are addressed as described below. Therefore, the Department proposes to repeal and reserve.

Some examples of redundancy to 256A.3(7) are listed below.

**256A.3 Duties of council. The child development coordinating council shall:
7. Encourage the establishment of regional councils designed to facilitate the development on a regional basis of programs for at-risk three-year-old and at-risk four-year-old children.**

256A.3(7) requires the CDCC to encourage the establishment of regional councils designed to facilitate the development on a regional basis of programs for at-risk three-year-old and at-risk four-year-old children.

- This is obsolete because regional councils to provide programs to at-risk three-year-old and at-risk four-year-old children have already been established under, among other mechanisms, Early Childhood Iowa area boards (256I.6, 256I.7). There is no need to encourage their establishment (the verb in the statute). In short, this is currently the work of Early Childhood Iowa.

Proposed Language Change:

Amend Iowa Code section 256A.2, subsection 1 (2019), as follows:

1. A child development coordinating council is established to promote the provision of child development services to at-risk three-year-old and four-year-old children. The council shall consist of the following members:

- a. The administrator of the division of adult, children ~~child~~ and family services of the department of human services or the administrator's designee.
- b. The director of the department of education or the director's designee.
- c. The director of human services or the director's designee.
- d. The director of the department of public health or the director's designee.
- e. An early childhood specialist of an area education agency selected by the area education agency administrators.
- f. The dean of the college of human family and consumer sciences at Iowa state university of science and technology or the dean's designee.
- g. The dean of the college of education from the university of northern Iowa or the dean's designee.
- h. The professor and head of the department of pediatrics at the university of Iowa or the professor's designee.
- i. A resident of this state who is a parent of a child who is or has been served by a federal head start program.

Repeal and reserve Iowa Code section 256A.3, subsections 4 and 7 (2019).

Trust, Permanent, or Agency Custodial Funds (298A.13) and Gifts to Schools (279.42)

Background: The Governmental Accounting Standards Board (GASB) issued [Statement No. 84](#) (Fiduciary Activities) in January 2017, with an effective date of December 15, 2018. This statement included replacement of the title "agency fund" with "custodial fund."

The Department proposes to replace references to "agency funds" to "custodial funds" to align statute with current terminology.

Proposed Language Change:

298A.13 Trust, permanent, or agency custodial funds.

Trust, permanent, or agency custodial funds shall be established by any school corporation to account for gifts it receives to be used for a particular purpose or to account for money and property received and administered by the district as trustee or custodian or in the capacity of an agent. Boards may establish trust, permanent, or agency custodial funds as necessary.

279.42 Gifts to schools.

The board of directors of a school district that receives funds through a gift, devise, or bequest shall deposit the funds in a trust fund, permanent fund, or agency custodial fund and shall use the funds in accordance with the terms of the gift, devise, or bequest.

Open Enrollment/Striking the Reference to Special Education Class Size (282.18) Iowa Administrative Code r. 281-41.408(2) “b”(2)

Background: Iowa Code 282.18(8) provides the means for which a district can deny enrollment of a child requiring special education under chapter 256B. This includes “maximum class size in rules adopted by the state board of education for that program.” When 281 IAC chapter 41 was rescinded and replaced in 2007, maximum class size was not included (maximums were stipulated previously); rather, districts were to set their own caseloads for special education. Districts are refusing to accept open enrollment of special education students based on local criteria, using Iowa Code section 282.18(8) as the point of authority.

The Department proposes to modify Iowa Code section 282.18(8) to clarify that local school districts set special education caseloads, and to clarify that general education class sizes apply to students with disabilities as well.

Proposed Language Change:

282.18(8) Open enrollment/striking the reference to special education class size.

If a request filed under this section is for a child requiring special education under chapter 256B, the request to transfer to the other district shall only be granted if the receiving district maintains a special education instructional program which is appropriate to meet the child’s educational needs, and the enrollment of the child in the receiving district’s program would not cause the size of the class or case load in that special education instructional program in the receiving district to exceed the maximum class size or case load established pursuant to ~~in~~ rules adopted by the state board of education ~~for that program~~ or there is insufficient classroom space for the general education classes to which the child would be assigned.

Enrollment (257.6)

Background: Iowa Code 257.6(1)(a)(3) describes the funding of shared time students when enrolled in public schools. Iowa Code 256.12 describes the types of services that can be provided by public schools to nonpublic school students, as well as the location of those classes or services. In 2013, a sentence was added to 257.6(1)(a)(3) that allows for shared time funding for nonpublic school students accessing classes or services on the accredited nonpublic school premises. Iowa Code section 257.6(1)(a)(3) appears to expand the location of services and classes to either the public school site or nonpublic location and allows for shared time funding to be generated whether the services and/or classes are accessed at either location. This is a clarification of 256.12 which identifies the allowable locations from which public school services and/or courses can be accessed by nonpublic students. Therefore, the Department proposes to Add “under 256.12,” to 257.6(1)(a)(3).

Proposed Language Change:

257.6 Enrollment.

(1)“a”(3) Shared-time and part-time pupils of school age enrolled in public schools within the district, irrespective of the districts in which the pupils reside, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time

pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time nonresident pupil shall be reduced by the amount of any increased state aid received by the district by the counting of the pupil. This subparagraph applies to pupils enrolled in grades nine through twelve under section 299A.8 and to pupils from accredited nonpublic schools accessing classes or services on the accredited nonpublic school premises under section 256.12 or the school district site, but excludes accredited nonpublic school pupils receiving classes or services funded entirely by federal grants or allocations.

Electronic Access to Documents (256.56)

Background: Historically, the most common format to distribute the electronic format of state government publications was via compact disc. In keeping with the State Library's mandate of collecting and providing access to state government publications, this section was added to code to include the newer format. When this section of code was added, compact disc technology was the only format to easily retain and disseminate electronic publications. Currently, electronic publications are robustly stored and disseminated online, either locally or through cloud storage. In order to prevent the law from having to be continually amended as technology changes and improves, wording needs to be aligned with the mandate to collect and provide access to state government electronic publications regardless of the particular technology being used.

The State Library proposes amending Iowa Code section 256.56 by eliminating wording to a specific technology format. Allow the new wording to keep with the State Library mandate of collection and access while being flexible to adapt to technology changes in the future.

Proposed Language Change:

256.56 Electronic access to documents.

The state library shall work to develop a system of electronic access to documents maintained by the state library with a goal of providing electronic access to all such documents. The access shall be provided ~~initially through the use of compact disc technology~~ using a current, widely accepted and utilized technology. This section shall not prohibit the state librarian from considering other forms of electronic access if the use of such other access is shown to exceed the benefits of, and is more cost-effective than, ~~the use of compact disc technology~~ the currently used technology.